

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

United States of America

vs.

(1) Gustavo Prado

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NO: DR:08-M -03030(1)

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 USC 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

I. Findings of Fact

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that there is probable cause to believe that the Defendant committed the offense alleged in the Complaint violation **21:841 Possession of Cocaine**, for which a sentence of up to twenty years is prescribed.

Defendant signed a Waiver of the Preliminary Hearing stipulating to probable cause in the complaint and requested a Detention Hearing held with Dan Newsome representing the defendant with Robert Cadena representing the Government. Defendant is 38 year old resident of Uvalde, Texas. Defendant sister Tania Prado testified reference compliance of conditions if imposed by the court and she would co-sign the bond. The court however was and is concerned about Defendant's extensive criminal history beginning at the age of 18. For reasons not understood by the court, Defendant received probation in the all of his convictions.

Based on the evidence presented, the pre-trial services report, and extensive criminal history, the Court finds by clear and convincing evidence that Defendant serious danger to the community and thus a risk of flight. Additionally, the Court concludes no condition or combination of conditions will

either reasonably assure the appearance of the Defendant as required or that he will not endanger the safety of the community.

II. Directions Regarding Detention

The Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practical, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of the Court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Signed on 12th day of March, 2008

A handwritten signature in black ink, appearing to read 'V. R. Garcia', is written over a horizontal line.

VICTOR ROBERTO GARCIA
U.S. MAGISTRATE JUDGE